

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Michael Marsh,

Case No. 4:14CV2206

Petitioner

v.

ORDER

Margaret Bradshaw, Warden,

Respondent

This is a state prisoner's habeas case under 28 U.S.C. § 2254.

In 2012, a jury in the Common Pleas Court of Mahoning County, Ohio, convicted the petitioner, Michael Marsh, of robbery. The trial court sentenced Marsh to six years of imprisonment. The Ohio courts rejected Marsh's direct appeal and denied his application to reopen the appeal. *State v. Marsh*, 2013 WL 816114 (Ohio App.); *State v. Marsh*, 2013 WL 3463407 (Ohio App.).

Marsh then sought habeas relief in this court on the ground that trial counsel was ineffective because he improperly advised Marsh to reject a favorable plea bargain, after which Marsh went to trial and received a longer sentence than he would have received under the rejected plea agreement.

Pending is Magistrate Judge Limbert's Report and Recommendation (Doc. 17), which concluded that the Ohio Court of Appeals reasonably rejected Marsh's claim.

Marsh did not object to the R&R and has therefore waived his right to a de novo determination of his entitlement to habeas relief. *Amison v. Legg*, 2015 WL 853526, *1 (N.D. Ohio)

(Lioi, J.); *see also Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (same).

It is, therefore

ORDERED THAT:

1. The Magistrate Judge's Report and Recommendation (Doc. 17) be, and the same hereby is, adopted as the order of the court;
2. The petition for a writ of habeas corpus (Doc. 1) be, and the same hereby is, denied; and
3. No certificate of appealability will issue.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge